

REMARKS

Claims 1-7, 10-20, and 27-40 are pending. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Specification

Applicant has amended the paragraph at the bottom of page 6 as follows:

Surrounding the center panel is a[[n]] reinforcing bead or annular countersink 16 that is formed from an interior wall 20 and an exterior wall 28, which are spaced apart and joined together by a curved bottom portion 24. Typically, the annular countersink 16 is a fold in the metal and, preferably, is an isocline fold, as illustrated. The inner and outer walls 20, 28 are generally flat and may be parallel to one another or at a slight angle, with the bottom portion 24 being curved. The inner and outer walls 20, 28 are preferably parallel to central axis 14 but either or both may diverge by an angle of about as much as 15°. The annular counter sink 16 is joined to the center panel 12 along the upper edge of the interior wall 20. The curved juncture 18 joining interior wall 20 and edge of the center panel 12 has a radius of curvature r_1 , that is from about 0.013 to about 0.017 inches, more preferably from about 0.014 to about 0.016 inches, and still more preferably from about 0.1425 to about 0.01525 inches, though this radius of curvature r_1 is not considered critical. The center-point of radius of curvature r_1 is located below the profile of can lid 10. Interior wall 20 is joined to bottom portion 24 by curved juncture 22 having a radius of curvature r_2 . Radius of curvature r_2 is from about 0.006 to about 0.018 inches, more preferably from about 0.009 to about 0.015 inches, and still more preferably from about 0.011 to about 0.013 inches, though radius of curvature r_2 is not considered critical. The center-point of radius of curvature r_2 is located above the profile of can lid 10. Bottom portion 24 is joined to outer wall 28 by curved juncture 26, having a radius of curvature r_3 that is from about 0.010 to about 0.022 inches, more preferably from about 0.012 to about 0.020 inches, and still more preferably from about 0.014 to about 0.018 inches. Radius of curvature r_3 has a center-point located above the profile of can lid 10 and is also not considered critical. The annular countersink 16 has a height h_1 of from about 0.03 to about 0.115 inches, more preferably from about 0.05 to about 0.095 inches, and still more preferably from about 0.06 to about 0.085 inches.

All of the amendments are supported by FIGURES 1 and 2 of the specification as originally filed.

Applicant has also amended the first full paragraph of Page 7 as follows:

The annular countersink 16 is joined to chuckwall 132 by curved juncture 30 having a radius of curvature r_4 of from about 0.03 to about 0.07 inches, more preferably

from about 0.035 to about 0.06 inches, and still more preferably from about 0.0375 to about 0.05 inches, though not considered critical. The center-point of radius of curvature r_4 is located below the profile of can lid 10. Chuckwall 132 is shown as an arcuate, curved, or nonlinear chuckwall having a radius of curvature r_5 that is from about 0.4 to about 1 inch, more preferably from about 0.520 to about 0.845 inches, still more preferably from about 0.620 to about 0.745 inches, and most preferably from about 0.670 to about 0.695 inches. As is well known, the arcuate, curved, or nonlinear chuckwall can have a vertical cross-section that can be represented by combining lines, curves, polynomial functions, or trigonometric functions, such as a Fourier series or Taylor series. The center-point of radius of curvature r_5 is located below the profile of can lid 10. The arcuate chuckwall 132 is such that a line passing through the innermost end of arcuate chuckwall 132, near the terminus of curved juncture 30, and the outermost end of the arcuate chuckwall 132, near the beginning of step portion 34, forms an acute angle with respect to central axis 14 of the center panel 12. This acute angle is from about 20° to about 80°, and more preferably from about 30° to about 60°, and still more preferably from about 40° to about 50°.

All of the amendments are supported by FIGURES 1 and 2 of the specification, and according to modern mathematics, any curve or nonlinear function can be represented as a combination of lines, curves, polynomial functions, or trigonometric functions. Therefore, the arcuate or nonlinear chuckwall as shown in FIGURES 1 and 2 can be represented by a Taylor series or represented by a Fourier transform, as well as other combinations.

According to MPEP 2163(II)(A)(3), “[a]n applicant may show possession of an invention by disclosure of drawings or structural chemical formulas that are sufficiently detailed to show that applicant was in possession of the claimed invention as a whole.” *See, e.g., Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1565 (“drawings alone may provide a ‘written description’ of an invention as required by Sec. 112”); *see also In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (CCPA 1962) (the drawings of applicant’s specification provided sufficient written descriptive support for the claim limitation at issue). Therefore, Applicant is entitled to have the above-referenced amendments to the specification entered.

Rejections – 35 U.S.C. §103(a)

Claims 1-7 and 10-20 stand rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 4,908,861 by Wilkinson et al. (“Wilkinson”) and U.S. Patent No. 6,065,634 by Brifcani et al. (“Brifcani”). Insofar as they may be applied against the Claims, these rejections have been overcome.

Rejected independent Claim 1 as now amended more particularly recites one of the distinguishing characteristics of the present invention, namely, “*a nonlinear chuckwall..., wherein the diameter of the center panel is less than 80% of the diameter of the peripheral curl portion.*” (Emphasis added.) Support for this amendment can be found, among other places, in FIGURE 1 and on page 6, lines 5-6, of the original Application.

Specifically, Wilkinson and Brifcani do not disclose, singularly or in combination, the combination of a nonlinear chuckwall and a diameter of the center panel being less than 80% of the diameter of the peripheral curl portion. The chuckwall and diameters allow the can lid or end to exhibit good structural strength with reduced incidences of failure (because of the nonlinearity of the chuckwall) and the reduction in the amount of metal used in making the lid. Oftentimes the lid is the most expensive part of the can, a small amount or reduction in metal costs with retained or better structural characteristics being extremely valuable to a manufacturer. Therefore, the present invention provides a benefit which Wilkinson and Brifcani do not. Accordingly, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. §103(a) in view of Wilkinson and Brifcani be withdrawn and that Claim 1 be allowed.

Claims 2-7 and 10-20 depend on and further limit Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 2-7 and 10-20 also be withdrawn.

Conclusion

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-7, 10-20, and 27-40.

Applicant has included a check in the amount of \$800.00 to cover the fee for additional claims. In the event that other any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

Should the Examiner require any further clarification to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

Dated: May 19, 2006
Storm LLP
901 Main Street
Suite 7100
Dallas, Texas 75202
Telephone: (214) 347-4710
Fax: (214) 347-4799


John J. Patti
Reg. No. 57,191